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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,547	02/05/2004	Pablo Ameigeiras	60279.00079	2804

32294   7590   05/17/2007
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EXAMINER
YUN, EUGENE

ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bautz

(EP 0891114).

Referring to Claim 1, Bautz teaches a method of sending packet data units for

unacknowledged mode services in a handover between base stations in a mobile

communications network, wherein the network comprises a network node connected to

at least a first base station and a second base station (see MT and SW in fig. 1), and

user equipment connected to at least one of said first and second base stations (see

col. 3, lines 29-38), the method comprising:

transmitting packet data units in an acknowledged mode radio link control entity

between a transmitting side and a receiving side (see col. 1, lines 1-11);

setting a retransmission parameter so that the packet data units are not

retransmitted to said first base station when receiving status reports for sent packet data

units from said receiving side (see col. 2, lines 9-24);

buffering transmitted packet data units in a retransmission buffer (see col. 4, lines

6-18);

receiving status reports for the sent packet data units from said receiving side (see col. 4, lines 25-32);

purging the packet data units from said retransmission buffer based on said received status reports (see col. 5, line 56 to col. 6, line 8);

scheduling remaining packet data units in said retransmission buffer for transmission to said second base station, and transmitting said scheduled remaining packet data units to said second base station (see col. 6, lines 9-15).

Referring to Claim 5, Bautz teaches a system of sending packet data units for unacknowledged mode services in a handover between base stations in a mobile communications network, the system comprising:

a network node connected to at least a first base station and a second base station (see MT and SW in fig. 1);

user equipment connected to at least one of said first and second base stations (see col. 3, lines 29-38);

a transmitter configured to transmit packet data units in an acknowledged mode radio link control entity between a transmitting side and a receiving side (see col. 1, lines 1-11);

a retransmission buffer for buffering transmitted packet data units (see col. 4, lines 6-18);

setting means for setting a retransmission parameter so that the packet data units are not retransmitted to said first base station when receiving status reports for sent packet data units from said receiving side (see col. 2, lines 9-24);

a receiver configured to receive the status reports for the sent packet data units

from said receiving side (see col. 4, lines 25-32);

a management unit configured to purge the packet data units from said

retransmission buffer based on said received status reports (see col. 5, line 56 to col. 6,

line 8); and to schedule remaining packet data units in said retransmission buffer for

transmission to said second base station,

wherein said transmitter is configured to transmit said scheduled remaining

packet data units to said second base station (see col. 6, lines 9-15).

Referring to Claim 9, Bautz teaches an acknowledged mode transmitting side

protocol entity for sending packet data units for unacknowledged mode services in a

handover between base stations in a mobile communications network (see ABSTRACT

and fig. 1), the system comprising:

a transmitter configured to transmit packet data units in an acknowledged mode

radio link control entity between a transmitting side and a receiving side (see col. 1,

lines 1-11);

a retransmission buffer for buffering transmitted packet data units (see col. 4,

lines 6-18);

setting means for setting a retransmission parameter so that the packet data

units are not retransmitted to said first base station when receiving status reports for

sent packet data units from said receiving side (see col. 2, lines 9-24);

a receiver configured to receive the status reports for the sent packet data units

from said receiving side (see col. 4, lines 25-32);

a management unit configured to purge the packet data units from said

retransmission buffer based on said received status reports (see col. 5, line 56 to col. 6,

line 8); and to schedule remaining packet data units in said retransmission buffer for

transmission to said second base station,

wherein said transmitter is configured to transmit said scheduled remaining

packet data units to said second base station (see col. 6, lines 9-15).

Referring to Claim 13, Bautz teaches a system for sending packet data units for

unacknowledged mode services in a handover between base stations in a mobile

communications network, wherein the network comprises a network node connected to

at least a first base station and a second base station (see MT and SW in fig. 1), and

user equipment connected to at least one of said first and second base stations (see

col. 3, lines 29-38); the system comprising:

Transmitting means for transmitting packet data units in an acknowledged mode

radio link control entity between a transmitting side and a receiving side (see col. 1,

lines 1-11);

setting means for setting a retransmission parameter so that the packet data

units are not retransmitted to said first base station when receiving status reports for

sent packet data units from said receiving side (see col. 2, lines 9-24);

buffering means for buffering transmitted packet data units in a retransmission

buffer (see col. 4, lines 6-18);

receiving means for receiving the status reports for the sent packet data units

from said receiving side (see col. 4, lines 25-32);

purging means for purging the packet data units from said retransmission buffer

based on said received status reports (see col. 5, line 56 to col. 6, line 8);

scheduling means for scheduling remaining packet data units in said

retransmission buffer for transmission to said second base station,

transmitting means for transmitting said scheduled remaining packet data units to

said second base station (see col. 6, lines 9-15).

Referring to Claims 2, 6, and 10, Bautz also teaches purging the packet data

units that have been either negatively or positively acknowledged by said user terminal

from said retransmission buffer (see col. 5, line 56 to col. 6, line 8).

Referring to Claims 3, 7, and 11, Bautz also teaches setting a retransmission

parameter that comprises a MaxDAT with an appropriate value (see col. 4, lines 19-32).

Referring to Claims 4, 8, and 12, Bautz also teaches transmitting the packet data

in said mobile communication network, which is a high speed downlink packet access

network (see col. 1, lines 1-11).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Eugene Yun whose telephone number is (571) 272-

7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eugene Yun
Examiner
Art Unit 2618

EY

MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER